

CONCURRENCE

1066840 - R8 SDMS



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 8

1595 Wynkoop Street  
DENVER, CO 80202-1129  
Phone 800-227-8917  
<http://www.epa.gov/region08>

Ref: EPR-SR

Honorable Max Baucus  
United States Senator  
8 Third Street East  
Kalispell, Montana 59923

Dear Senator Baucus:

Thank you for your letter of July 5, 2007, on behalf of Mrs. Ruby Swartz of Libby. Mrs. Swartz wrote to you concerning the U.S. Environmental Protection Agency's (EPA) plans for remediation activities on her property, located at 1304 Utah Avenue. I appreciate this opportunity to provide the following information in response to Mrs. Swartz's concerns.

Mrs. Swartz raises legitimate points on an issue with which the Agency has been struggling to find an appropriate answer. The Swartz property contains vermiculite attic insulation (VAI), and we all agree with the need to remove this material. However, we are in disagreement over what action to take with regards to portions of the Swartz' yard and flowerbeds. During our investigations of this property, we noted visible, unexfoliated vermiculite in several of their flowerbeds. Analytical results from Polarized Light Microscopy (PLM) samples from these flowerbeds came back as "non-detect" for Libby Amphibole Asbestos (LA). Visible vermiculite was reported in portions of their yard as well. While some of the soil samples from their yard were "non-detect" for LA, one sample taken to characterize the south half of their property did detect LA. Please note that this is actually a bit different than what Mrs. Swartz described in her letter to you. Mrs. Swartz indicated ~~some what~~ difficult to read without an explanation.

*that all of their yard samples were "non-detect" probably because the data sheets are somewhat*

Nonetheless, the fundamental issue is the same. The outside of the Swartz property has relatively low levels of LA. Clearly, Mrs. Swartz does not think these relatively low levels warrant the removal of a large portion of their yard. However, it has been our experience in Libby that soils with appreciable amounts of visible vermiculite, even those that are non-detect for LA by PLM, can generate airborne LA fibers when disturbed. As you know, we are working on many projects in Libby this year to better quantify and assess the risk of this very type of situation. Until this assessment is completed, it is, in our judgment, more prudent to remove all of the potential LA-bearing source material from this property at the time we mobilize contractors and equipment to do a cleanup. This minimizes the potential for having to return to clean up the same property. It also assures us that we have taken all reasonable steps to minimize the risk of asbestos exposure to the Swartz family and other Libby residents.

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KMA w/changes  
EPR-SR  
7/30/07*

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In Bill Murray  
EPR-SR  
7/30/07*

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EPR-ID  
7/30/07*

The Agency is aware that our clean-up activities are very disruptive to the lives of citizens in Libby. The Swartz have a very lovely home and property. We acknowledge up front that after our cleanup, even with the best of restoration efforts, it will take some time before it returns to its pre-cleanup state. That said, we think the protection our cleanup offers is worth the disruption.

It would be EPA's preference to do the cleanup as we have proposed. If that is not acceptable to the Swartz family, we would offer to delay the cleanup of their home and property until we have completed our exposure and risk assessment. This would delay the removal of their VAI, but would put off the disruption of a cleanup until the Agency better understands the risk posed by their yard contamination. I would also like to state that, although we have a different view on what is the best course of action, we understand and appreciate the Swartz position. The Agency does not consider their request to limit the extent of their cleanup to be a denial of access. If we delayed the work on their property, they would still be covered by EPA's "No Action Assurance" and be entitled to a complete restoration.

I hope this information will be useful in your responding to Mrs. Swartz. If you or your staff have additional questions regarding EPA's work in Libby, please contact me or Sandy Fells, Regional Congressional Liaison, at 303-312-6604.

Sincerely yours,

Kerrigan G. Clough  
Acting Regional Administrator



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J. J. Wells  
8-2-07

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/s/ Kerrigan G. Clough

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